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09/049,161	03/26/1998	GARY SEDMAN CHISHOLM	002240.P015D	5182

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10/18/2002

MARIA MCCORMAK SORBINO
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

HERNANDEZ, OLGA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 24

Application Number: 09/049,161
Filing Date: March 26, 1998
Appellant(s): CHISHOLM ET AL.

Blakely, Sokoloff, Taylor & Zafman LLP
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed 9/11/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 11-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6032084

Anderson et al.

2-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 11-20 are rejected under 35 U.S.C. 102 (e). This rejection is set forth in prior Office Action, Paper No. 16.

(11) Response to Argument

Anderson discloses a virtual reality modeling (e.g. 3-D geometrical) and coordinate acquisition (column 3, lines 4-11, column 3, lines 41-46 and column 4, line 64 through column 5, line 22). This is the same technique that the applicant has disclosed in the specification at page 10, line 14 through page 11, line 13.

Microsoft Bookshelf Basics Dictionary defines attitude as follow:

A position of the body or manner of carrying oneself: *stood in a graceful attitude*. See synonyms at posture.

Based on this definition and considering that the prior art of record works on a three dimensional space, it is certain that Anderson is covering all the areas related to the position of any object. Moreover, it is clear that Anderson is using real world's dimension as disclosed in column 17, line 49, column 18, lines 20-58 and column 20, line 19.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,


Olga Hernandez
Examiner
Art Unit 3661

October 16, 2002

Conferees

W.C. 

Y.B. 


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

MARIA MCCORMAK SORBINO
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025